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BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

Misc. Review Application No.15 of 2003.

IN

Original Application No.1120 of 1997.

Allahabad; this the day of April 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J.

Tabarak Hussain.....Applicant.

(By Advocate: Sri Anand Kumar)

Versus.

Union of India and others.....Respondents.

(By Advocate: -----)

O R D E R

This Review Application has been filed by the applicant against judgment and order dated 31.01.2003 passed in O.A. No.1120/2003. The ground taken by the applicant in Review Application is that the counsel was not shown the records and that he came to know about his date of birth only in 1996 but it was inadvertently written as 01.07.1976. He has also stated that whether his date of birth is taken as 01.01.1938 or 1.7.1932 he would still be a major in 1956 i.e. when he was appointed, therefore, the judgment suffers from error apparent on the face of record and it deserves to be recalled.

2. I have read the Review Application. It goes without saying that scope of review is very limited and Review Application cannot be filed to reargue the matter. As far as production of records are concerned that was ordered for the perusal of court and was not called to be shown to the applicant or his counsel, therefore, not showing the records

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to the applicant cannot be a ground for review.

3. As far as his date of knowledge is concerned, in para 4.5 applicant has himself stated that he came to know about it in 1976. If the applicant says 1976 was written inadvertently, he ought to have amended the same as court has to go by the pleading. Moreover he had signed his service book wherein his date of birth was recorded as 1.7.1932, therefore, his contention that he came to know about it only in 1996 is not sustainable in law. In para 5, the facts of O.A.799/93 have been referred to.

Applicant's case was dismissed on the ground that he knew about his recorded date of birth in 1956 itself, therefore, he cannot be allowed to agitate the issue with regard to his change of date of birth at the fag end of his career, which is based on settled principles of law, therefore, in my considered view no case has been made out for reviewing the judgment.

4. Review Application is, therefore, rejected as not maintainable.

PS

Member-J.

Manish/-